

1 HOUSE BILL NO. 1768

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the House Committee on Appropriations

4 on February 1, 2023)

5 (Patron Prior to Substitute--Delegate Head)

6 A BILL to amend and reenact § 63.2-1505 of the Code of Virginia, relating to child protective services;
7 investigations; interview by child advocacy center; time limits.

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 63.2-1505 of the Code of Virginia is amended and reenacted as follows:**10 **§ 63.2-1505. Investigations by local departments.**

11 A. An investigation requires the collection of information necessary to determine:

12 1. The immediate safety needs of the child;

13 2. The protective and rehabilitative services needs of the child and family that will deter abuse or
14 neglect;

15 3. Risk of future harm to the child;

16 4. Alternative plans for the child's safety if protective and rehabilitative services are indicated and
17 the family is unable or unwilling to participate in services;

18 5. Whether abuse or neglect has occurred;

19 6. If abuse or neglect has occurred, who abused or neglected the child; and

20 7. A finding of either founded or unfounded based on the facts collected during the investigation.

21 B. If the local department responds to the report or complaint by conducting an investigation, the
22 local department shall:

23 1. Make immediate investigation and, if the report or complaint was based upon one of the factors
24 specified in subsection B of § 63.2-1509, the local department may file a petition pursuant to § 16.1-241.3;

25 2. Complete a report and enter it into the statewide automation system maintained by the
26 Department;

3. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and his family;

4. Petition the court for services deemed necessary including, but not limited to, removal of the child or his siblings from their home;

5. Determine within 45 days if a report of abuse or neglect is founded or unfounded and transmit a report to such effect to the Department and to the person who is the subject of the investigation. However, upon written justification by the local department, the time for such determination may be extended not to exceed a total of 60 days or, in the event that the investigation is being conducted in cooperation with a law-enforcement agency and both parties agree that circumstances so warrant, as stated in the written justification, the time for such determination may be extended not to exceed 90 days. If through the exercise of reasonable diligence the local department is unable to find the child who is the subject of the report, the time the child cannot be found shall not be computed as part of the total time period allowed for the investigation and determination and documentation of such reasonable diligence shall be placed in the record. In cases involving the death of a child or alleged sexual abuse of a child who is the subject of the report, the time during which records necessary for the investigation of the complaint but not created by the local department, including autopsy or medical or forensic records or reports, are not available to the local department due to circumstances beyond the local department's control shall not be computed as part of the total time period allowed for the investigation and determination, and documentation of the circumstances that resulted in the delay shall be placed in the record. In cases in which the subject of the investigation is a full-time, part-time, permanent, or temporary employee of a school division who is suspected of abusing or neglecting a child in the course of his educational employment, the time period for determining whether a report is founded or unfounded and transmitting a report to that effect to the Department and the person who is the subject of the investigation shall be mandatory, and every local department shall make the required determination and report within the specified time period without delay;

6. If a report of abuse or neglect is unfounded, transmit a report to such effect to the complainant and parent or guardian and the person responsible for the care of the child in those cases where such person was suspected of abuse or neglect;

7. If a report of child abuse and neglect is founded, and the subject of the report is or was at the time of the investigation or the conduct that led to the report a full-time, part-time, permanent, or temporary employee of a school division located within the Commonwealth, notify the relevant school board of the founded complaint without delay; and

8. Upon request, disclose to the child's parent or guardian the location of the child, provided that (i) the investigation has not been completed and a report has not been transmitted pursuant to subdivision 5; (ii) the parent or guardian requesting disclosure of the child's location has not been the subject of a founded report of child abuse or neglect; (iii) the parent or guardian requesting disclosure of the child's location has legal custody of the child and provides to the local department any records or other information necessary to verify such custody; (iv) the local department is not aware of any court order, and has confirmed with the child's other parent or guardian or other person responsible for the care of the child that no court order has been issued, that prohibits or limits contact by the parent or guardian requesting disclosure of the child's location with the child, the child's other parent or guardian or other person responsible for the care of the child, or any member of the household in which the child is located; and (v) disclosure of the child's location to the parent or guardian will not compromise the safety of the child, the child's other parent or guardian, or any other person responsible for the care of the child.

If a local multidisciplinary team has determined that an interview of the child by a child advocacy center is needed and an interview with a child advocacy center within the jurisdiction cannot be completed within 14 days, the local department may facilitate the interview with a recognized child advocacy center located in another jurisdiction.

Any information exchanged for the purposes of this subsection shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

C. Each local board may obtain and consider, in accordance with regulations adopted by the Board, statewide criminal history record information from the Central Criminal Records Exchange and shall

79 obtain and consider results of a search of the child abuse and neglect central registry of any individual
80 who is the subject of a child abuse or neglect investigation conducted under this section when there is
81 evidence of child abuse or neglect and the local board is evaluating the safety of the home and whether
82 removal will protect a child from harm. The local board shall determine whether the individual has resided
83 in another state within at least the preceding five years and, if he has resided in another state, the local
84 board shall request a search of the child abuse and neglect registry or equivalent registry maintained by
85 such state. The local board also may obtain such a criminal records or registry search on all adult
86 household members residing in the home where the individual who is the subject of the investigation
87 resides and the child resides or visits. If a child abuse or neglect petition is filed in connection with such
88 removal, a court may admit such information as evidence. Where the individual who is the subject of such
89 information contests its accuracy through testimony under oath in hearing before the court, no court shall
90 receive or consider the contested criminal history record information without certified copies of
91 conviction. Further dissemination of the information provided to the local board is prohibited, except as
92 authorized by law.

93 D. A person who has not previously participated in the investigation of complaints of child abuse
94 or neglect in accordance with this chapter shall not participate in the investigation of any case involving a
95 complaint of alleged sexual abuse of a child unless he (i) has completed a Board-approved training
96 program for the investigation of complaints involving alleged sexual abuse of a child or (ii) is under the
97 direct supervision of a person who has completed a Board-approved training program for the investigation
98 of complaints involving alleged sexual abuse of a child. No individual may make a determination of
99 whether a case involving a complaint of alleged sexual abuse of a child is founded or unfounded unless
100 he has completed a Board-approved training program for the investigation of complaints involving alleged
101 sexual abuse of a child.

102 E. Any individual who is the subject of a child abuse or neglect investigation conducted under this
103 section shall notify the local department prior to changing his place of residence and provide the local
104 department with the address of his new residence.

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